

**Worksheet**  
**Documentation of Land Use Plan Compliance**  
**and NEPA Adequacy (DNA)**  
**NM-DNA-060-04-026**  
**Existing EA NM-060-03-069 (attached)**  
**U.S. Department of the Interior**  
**Bureau of Land Management**

A. BLM Office: Roswell

Lease/Serial/Case File No.: NM110232

Proposed Action Title/Type: Off Lease Access Road to the Penjack Federal No. 11

Location of Proposed Action: T. 10 S., R. 25 E., NMPM  
Section 12: NW1/4NE1/4, NE1/4NW1/4.

Description of Proposed Action: Yates Petroleum Corporation (YPC) proposes to construct, operate and maintain an off lease road to provide access to the Penjack Federal No. 11 well. Total length of the proposed off lease road is approximately 1,412 feet and will begin at Dulce County road. A 30 feet wide right-of-way will be needed for the road with a 14 foot driving surface. All 1,412 feet of the off lease road will be located on public land. The proposed off lease road would be constructed and maintained in accordance with the New Mexico Road Policy

Applicant (if any): Yates Petroleum Corporation

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name: Roswell RMP

Date Approved: October 1997

C. Identify the applicable NEPA document(s) and other related documents that cover the Proposed action.

Other document: Environmental Assessment EA#NM-060-03-069 Date Approved: May 27, 2003.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The previous NEPA analyzed an access road. The proposed access road is essentially the same action as the existing road approved on May 27, 2003.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values and circumstances?

Yes. Current environmental concerns, interests, resource values and circumstances remain the same as when the above reference EA was prepared.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis on the proposed action?

No new information or circumstances have arisen with respect to oil and gas development in this area. The proposed action would add 1,412 feet of off lease access road. The existing analysis and conclusions are adequate.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The proposed action is essentially identical with the above referenced EA. The proposed off lease access road would disturb an additional 0.972 acres of vegetation, as analyzed in the existing NEPA document. The methodology and analytical approach is appropriate for the current proposed action.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The above referenced EA addressed a proposed action for an access road located in essentially the same environmental area. The direct effects of the proposed action include soil and vegetative disruption and further fragmentation of wildlife and are adequately discussed in the existing NEPA document and are unchanged.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from the implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the proposed route of the access road is located in an area where oil and gas are ongoing. The proposed road is essential to oil and gas drilling activities. Additionally, the proposed action is located in an area with sufficient quantities of natural gas to assume near maximum development - one well per 320 acres (or 160 acres), each with access road, pad and pipeline - which would involve similar surface impacts. This proposed action would not add substantially to cumulative impacts as addressed in the existing NEPA document

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. During development of the Roswell RMP various publics and agencies through various public meetings held participated in the development of standard stipulation and conditions of approval for actions associated with development of oil and gas. It is through the public and

agencies meetings held that the existing standard stipulations and conditions of approval were developed

E. Interdisciplinary Analysis: Refer to Multi Review input from Interdisciplinary team.

F. Mitigation Measure: Requirement of the Standard Stipulations for Roads as required by the approved Roswell RMP.

### Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action. This constitutes BLM's compliance with the requirement of NEPA.

The authority for this action is the Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761)

|  |               |                             |               |
|--|---------------|-----------------------------|---------------|
| Prepared by:<br>/s/ Judy Yslas         | 11/26/03      | I Concur:<br>/s/Pat Flanary | 11/26/03      |
| _____<br>Judy Yslas, Realty Specialist | _____<br>Date | _____<br>Pat Flanary        | _____<br>Date |

|                                      |               |
|--------------------------------------|---------------|
| Reviewed by:<br>/s/Irene M. Gonzales | 11/26/03      |
| _____<br>Irene M. Gonzales           | _____<br>Date |

|   |               |
|---|---------------|
| /s/Larry D. Bray  | 11/26/03      |
| _____<br>Larry D. Bray, Assistant Field Manager<br>Lands and Minerals | _____<br>Date |



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Roswell Field Office  
2909 West Second Street  
Roswell, New Mexico 88202

IN REPLY REFER TO:

NM 110232

Chesapeake Operating, Inc.  
Attn: Sharon E. Dries  
P. O. Box 18496  
Oklahoma City, OK 73154

Dear Ms. Dries:

On October 1, 2003, Chesapeake Operating, Inc. filed a completed Right-of-Way application for a road right-of-way to access the Penjack Federal No. 1 Well.

Before the grant can be issued, it will be necessary that the applicant's Authorized Officer sign page 2 of the grant and return both copies with attachments to this office for approval by the BLM authorized officer. Please return the enclosed documents within thirty days from receipt of this letter. Failure to do so could result in the right-of-way application being rejected.

Rental charges have also been computed on your right-of-way as described below:

|  |                 |
|--|-----------------|
| Partial year rental                        | \$ .61          |
| Yearly rental-\$7.27 x 5yrs (2004-to 2008) | <u>\$ 36.35</u> |
| Total amount due                           | \$ 36.96        |

If you have any questions, please call Judy Yslas at (505) 627-0222.

Sincerely,

Larry D. Bray  
Assistant Field Manager  
Lands and Minerals

2 Enclosures  
2 - Copies of Grant

BLM Serial Number: NM-110232

Company Reference: Access Road to Penjack Federal No. 11 Well

STANDARD STIPULATIONS FOR PERMANENT RESOURCE ROADS  
THE ROSWELL DISTRICT, BLM

The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

The holder shall minimize disturbance to existing fences and other improvements on public domain surface. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will make a documented good-faith effort to contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 14 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10 percent unless the box below is checked. Maximum width of surface disturbance from construction will be 30 feet.

☐ Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

☐ Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

☐ Flat-blading is authorized on segment(s) delineated on the attached map.

### 3. DRAINAGE

Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

#### SPACING INTERVAL FOR TURNOUT DITCHES

| Percent slope | Spacing interval |
|---------------|------------------|
| 0% - 4%       | 400' - 150'      |
| 4% - 6%       | 250' - 125'      |
| 6% - 8%       | 200' - 100'      |
| 8% - 10%      | 150' - 75'       |

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

       /        / 400 foot intervals.

       /        /        foot intervals.

       /        / locations staked in the field as per spacing intervals above.

       /        / locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval =  $\frac{400}{4} + 100 = 200$  feet

4

Unless otherwise approved by the Authorized Officer, vehicle turnouts will be required. Turnouts will be located at 2000-foot intervals, or the turnouts will be intervisible, whichever is less. Turnouts will conform to the following diagram:



Surfacing of the road or those portions identified on the attached map may, at the direction of the Authorized Officer, be required, if necessary, to maintain traffic within the right-of-way with caliche, gravel, or other surfacing material which shall be approved by the Authorized Officer. When surfacing is required, surfacing materials will be compacted to a minimum thickness of six inches with caliche material. The width of surfacing shall be no less than the driving surface. Prior to using any mineral materials from an existing or proposed Federal source, authorization must be obtained from the Authorized Officer.

Where used, all cattle guard grids and foundation designs and construction shall meet the American Association of State Highway and Transportation Officials (AASHTO) Load Rating H-20, although AASHTO U-80 rated grids shall be required where heavy loads (exceeding H-20 loading), are anticipated (See BLM standard drawings for cattle guards). Cattle guard grid length shall not be less than 8 feet and width of not less than 14 feet. A wire gate (16-foot minimum width) will be provided on one side of the cattle guard unless requested otherwise by the surface user.

The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, drainage installation, cattleguard maintenance, and surfacing.

Public access along this road will not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on public lands will not be locked or closed to public use unless closure is specifically determined to be necessary and is authorized in writing by the Authorized Officer.

9. CULTURAL RESOURCES

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.

10. SPECIAL STIPULATIONS:



BLM Serial Number: NM-110232  
Company Reference: Access Road to Penjack Federal No 11 Well

## **ROAD REHABILITATION SPECIFICATIONS**

Unless the Bureau of Land Management (BLM) elects to accept the road and its future maintenance and rehabilitation and releases the Authorized User therefrom, all Bureau roads determined "as not needed" by Authorized User and Authorized Officer will be reclaimed to approximate natural contours. Roads with significant cuts will have fill material placed back onto cut sections using care not to mix topsoil with base material. Any improvements and debris must be removed, unless approved otherwise by the Authorized Officer.

Roads will have the roadbeds ripped, scarified and otherwise roughened as directed by the BLM to ensure increased water infiltration and a properly prepared seedbed. In those cases where surfacing materials have been applied to the road, particularly in the case of caliche, BLM may require the operator to remove the caliche and deposit it in a pit, or stock pile it for reuse by the operator on other roads for which they are responsible.

Parallel-road berms will be removed and recontoured. Berms or gates will be used to block access to the rehabilitated road. Water bars will be used on sloping surfaces as shown below:

| Grade | Spacing |
|-------|---------|
| 2%    | 200 ft. |
| 2-4%  | 100 ft. |
| 4-5%  | 75 ft.  |
| + 5%  | 50 ft.  |

The rehabilitated areas will be seeded as directed by the BLM. The rehabilitation responsibility of an Authorized User terminates upon acceptance of the rehabilitation site by the Authorized Officer or his designated field representative.

Roads determined "as not needed" by the Authorized Users will be rehabilitated and closed in accordance with existing grant stipulations or, if none exist, with current BLM policy and regulations. If BLM determines that the road is still needed for other purposes, it shall notify the Authorized Users in writing of its determination. The BLM shall assume the responsibility for further maintenance and repair of the road and eventual rehabilitation. Where there are multiple Authorized Users for an existing road, the release by an Authorized User of his authorized use of the road, and acceptance thereof by BLM, shall relieve said Authorized User of any responsibility for maintenance and repair of the road and eventual rehabilitation after effective date of acceptance by BLM.

